REMARKS

In the Office Action mailed on December 18, 2002 by the United States Patent and Trademark Office, the Examiner rejected claims 1-27. By way of this Response, the Applicants have traversed the rejections based on 35 USC 102(e). After entry of this Response, claims 1-27 remain in this application. Reconsideration is respectfully requested in light of the following remarks. The following remarks are believed to be fully responsive to the Office Action mailed December 18, 2002 and also illuminate all currently pending claims at issue as being patentably distinct over the references of record.

I. REJECTIONS UNDER 35 U.S.C. 102(e)

The Examiner rejected claims 8, 17, and 26 under 35 U.S.C. 102(e) as being anticipated by Coden (US 6,389,030). More specifically, the Examiner states that "Coden discloses a method of managing communication with non-fault tolerant network nodes in a fault tolerant computer network" which anticipates Applicant's invention. To make a prima facie case of anticipation, the Examiner must show that the reference contains each and every element of the allegedly anticipated claim.

Applicant respectfully traverses the rejections of claims 8, 17 and 26. Applicant's claims 8, 17, and 26 each contain the elements of 'non-fault-tolerant network node" and transmitting "over a redundant network." Coden does not disclose fault-tolerant networks or transmitting "over a redundant network." Coden does not disclose redundant networks.

Because Coden does not disclose every element of Applicant's claimed invention, Coden cannot anticipate Applicant's claims 8, 17, and 26. The Examiner is respectfully requested to withdraw the rejections of claims 8, 17, and 26 under 35 U.S.C. 102(e). The Examiner is also respectfully requested to allow claims 9, 18, and 27 as depending from allowable independent claims 8, 17, and 26, respectively.

II. REJECTIONS UNDER 35 U.S.C. 103

The Examiner rejected claims 1-2, 4-7, 10-11, 13-16, 19-20, and 22-25 under 35 U.S.C. 103(a) as being unpatentable over Law (US 6,370,654) and further in view of Coden. For a prima facie case of obviousness to lie, the Examiner must show that the references teach or suggest every element of Applicant's claims. Applicant respectfully traverses this rejection.

As discussed under the 35 USC 102(e) rejection above, Coden does not disclose fault-tolerant networks or redundant networks, but only a single ring-switched network. Law teaches a particular way of dealing with non-fault tolerant networked computer platforms that includes providing each non-fault tolerant network nodes with application software and a fault-tolerant extension. (Law, FIG. 1, Abstract, Col. 2, lines 32-39). Law uses a single fault-tolerant computer platform to connect to each of a plurality of non-fault-tolerant computing platforms, forming a single hub-and-spokes network. *Id.* Neither Law not Coden teaches or suggests a "plurality of networks" (App. Claim 1, lines 3-4). Thus, neither Law, Coden, nor the combination of Law and Coden teaches or suggests Applicant's claimed element of "determining network addresses of network nodes present in a **plurality of networks** that are not fault tolerant and are connected to a single network." (App. Claim 1, lines 3-4, emphasis added). Applicants' claims 10 and 19 contain that same element. Accordingly, the references do not teach or suggest every element of Applicants' independent claims 1, 10, and 19, and Applicant respectfully submits that the Examiner has not made a prima facie case of obviousness. Applicant respectfully requests that the rejection of claims 1, 10, and 19 be withdrawn. Applicant further respectfully requests that the rejection of claims 2-7, 11-16, and 20-25 as depending from allowable independent claims 1, 10, and 19, respectively.

Applicant also respectfully submits that it would not be obvious to one of ordinary skill in the art to combine the ring-switch addressing method of Coden with the hub-and-spoke network of Law, as the two types of networks inherently use incompatible approaches to addressing. Coden's ring-switch addressing is ring-node to ring-node where a ring node may have permanent knowledge of only its immediate neighbors, and only temporary

-3-

knowledge of further neighbors. Law's hub-and-spokes addressing is managed through the hub, which must have permanent knowledge of the spoke addresses. Absent a teaching or suggestion to combine the references, a prima facie case of obviousness cannot lie. Applicant respectfully requests that the rejection of claims 1, 10, and 19 be withdrawn. Applicant further respectfully requests that the rejection of claims 2-7, 11-16, and 20-25 as depending from allowable independent claims 1, 10, and 19, respectively.

It is respectfully submitted that the claims are not rendered obvious in view of the cited references of record. Therefore, the Examiner is respectfully requested to withdraw the rejections of claims 1-2, 4-7, 10-11, 13-16, 19-20 and 22-25 under 35 U.S.C. 103(a).

III. CONCLUSION

It is respectfully submitted that the above-identified application, as amended, is now in condition for allowance and such allowance is therefore earnestly requested by the Applicant. Should the Examiner have any questions or wish to further discuss the above-identified patent application, the Applicant requests that the Examiner contact the undersigned at (480) 385-5060.

If for some reason the Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated ___March 6, 2003___

Keith L. Jenkins
Registration No. 46,303

Ingrassia, Fisher & Lorenz, P.C.
Customer No. 29906

-4-